

**BEFORE THE IOWA BOARD OF PHARMACY**

RE: Pharmacist License of  <b>BRANDON IACOBO</b> License No. 22545 Respondent	CASE NOS. 2020-0049 & 2020-0152  <b>NOTICE OF HEARING AND STATEMENT OF CHARGES</b>
--	--

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Brandon Iacobo ("Respondent"), 3850 Sunnyside Dr, Apt 112, La Crosse WI 54601, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 657 IAC 35.6 and 35.7.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on July 13, 2021, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8<sup>th</sup> St, Ste E, Des Moines, IA 50309. You may choose to attend the hearing in-person at the Board office or may attend electronically through the Zoom platform. If attending electronically, at the time of your hearing, use the link [zoom.us/join](https://zoom.us/join), and enter the meeting ID 854 3371 9087 and the meeting passcode X8RxRm. If you prefer to participate telephonically, please use the phone number 1-312-626-6799 using the meeting ID 854 3371 9087 and the passcode 286174.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board either by e-mail to [Amanda.Woltz@iowa.gov](mailto:Amanda.Woltz@iowa.gov), or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8<sup>th</sup> St, Ste E, Des Moines IA 50309.

Presiding Officer. The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC chapter 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the

opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to [Laura.Steffensmeier@ag.iowa.gov](mailto:Laura.Steffensmeier@ag.iowa.gov), or by mail/delivery to the following address:

Laura Steffensmeier  
Assistant Attorney General  
Hoover State Office Building—2<sup>nd</sup> Floor  
1305 E Walnut St  
Des Moines, IA 50319

Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C, and 657 IAC chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.27.

## **C. STATEMENT OF CHARGES**

### **COUNT I**

Respondent is charged with diverting prescription drugs from a pharmacy for personal use, and may be disciplined pursuant to Iowa Code sections 147.55(8) and 155A.12(1), and 657 IAC 36.6(36).

### **COUNT II**

Respondent is charged with knowingly making misleading, deceptive untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct, and may be disciplined pursuant to Iowa Code sections 147.55(3) and 155A.12(3), and 657 IAC 36.6(3).

### **COUNT III**

Respondent is charged with practicing pharmacy while under the influence of prescription drugs for which he did not have a lawful prescription, and may be disciplined pursuant to Iowa Code sections 147.55(8) and 155A.12(1), and 657 IAC 36.6(38).

### **COUNT IV**

Respondent is charged with failing to ensure legal operation of the pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy in violation of 657 IAC 8.3(1), and may be disciplined pursuant to Iowa Code sections 147.55(8) and 155A.12(1), and 657 IAC 36.6(21).

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent's pharmacist license number 22545 is currently active through June 30, 2021.
2. At all times relevant, Respondent was employed as pharmacist in charge of CVS Pharmacy #8443 in Cedar Rapids.
3. Throughout 2020, Respondent diverted hundreds of controlled substances from the pharmacy for personal use.
4. Respondent admitted to ingesting the diverted drugs while on duty at the pharmacy and at home.
5. Respondent attempted to cover up the losses in multiple ways, including shorting filled prescriptions and one instance of processing another patient's prescription and picking it up and paying for it himself.
6. The pharmacy was inspected in July of 2020 with several deficiencies noted, including the following:
  - a. The pharmacy was disorganized, dirty, and not a conducive environment to providing quality care.
  - b. Expired medications were found on the shelves and multiple stock bottles were shelved incorrectly.
  - c. Events requiring Continuous Quality Improvement (CQI) reports were not documented or reviewed as required.
  - d. The pharmacy lacked documented training for technicians and support persons and lacked a permanent log.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

#### **F. FINDING OF PROBABLE CAUSE**

On May 12, 2021, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



---

Chairperson  
Iowa Board of Pharmacy

Copy to:

Michael Sellers  
Seller, Galenbeck & Nelson  
400 Locust St #170  
Des Moines, IA 50309  
[msellers@sgniowalaw.com](mailto:msellers@sgniowalaw.com)  
ATTORNEY FOR RESPONDENT

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).